

****E-Filed 8/12/2011****

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICK WOODS, Individually and On Behalf of
Others Similarly Situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 5:11-cv-01263-JF

**JOINT STIPULATION AND
[PROPOSED] ORDER TEMPORARILY
STAYING DISCOVERY**

The parties jointly enter into the following stipulation:

1. On June 24, 2011, Defendant Google Inc. ("Google") filed its Motion for Temporary Stay of Discovery (the "Motion"). Dkt. No. 51. In the Motion, Google requested that the Court temporarily "stay discovery pending resolution of the pleadings in this case." *See* Motion at 9. The Motion is calendared for a hearing on August 12, 2011.
2. In a hearing on July 8, 2011, the Court asked that Woods "wait until [he] g[o]t an indication from [the Court] before starting discovery," and further instructed Woods not to "pursue any discovery until [the Court] ha[d] an opportunity to consider [Google's Motion for a Temporary Stay of Discovery]." 7/8/11 Transcript of Proceedings at 29-30. To date, Plaintiff Woods ("Woods") has not sought any discovery from Google.

3. On August 10, 2011, the Court entered an order dismissing Woods' complaint with leave to amend (the "Dismissal Order"). Dkt. No. 64.

4. Given the Dismissal Order, the parties hereby agree not to seek any discovery from the other in this action unless and until the Court finds by written order that at least one claim has been adequately pled against Google.

5. Based on this stipulation, Google agrees to withdraw its Motion without prejudice.

Dated: August 11, 2011

MAYER BROWN LLP

/s/ Edward D. Johnson

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John M. Neukom

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Attorneys for Defendant Google Inc.

Dated: August 11, 2011

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I attest that concurrence in the filing of this document has been obtained from Brad E. Seidel for Plaintiff.

By: /s/ Edward D. Johnson

~~PROPOSED~~ ORDER

Pursuant to the foregoing stipulation, it is hereby ORDERED that discovery in this action is stayed until the Court finds by written order that at least one claim has been adequately pled against Google.



Judge Jeremy D. Fogel